

REMARKS

1 Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter
which applicants regard as the invention. Although applicants believe that the
5 rejection under 35 U.S.C. § 112 is unwarranted, claim 1 has been amended and is
believed to overcome the 35 U.S.C. § 112 rejection.

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chapman (6,131,833). Inasmuch as claim 3 was not rejected under 35 U.S.C. § 102(b) and inasmuch as the rejection of claim 3 under 35 U.S.C. § 112, second paragraph, has been overcome, it is believed that claim 3 is in condition for allowance.

In the Examiner's rejection of claims 1, 2, 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by Chapman (6,131,833), the Examiner stated that Chapman discloses a self-propelled irrigation system including a pipeline 14 supported upon a plurality of spaced-apart drive units 22. The Examiner stated that the drive units 22 include a generally transversely extending base beam 24 and that Chapman further discloses first and second in-line drive assemblies including: an elongated support member 60; a first driven wheel 48; a second driven wheel 48.

It is obvious that the Examiner does not completely understand applicants' invention because claims 1, 2, 4 and 5 are clearly not anticipated by Chapman '833 under 35 U.S.C. § 102(b).

1 Claim 1 specifically describes that the self-propelled irrigation system includes
an elongated pipeline supported upon a drive unit with the drive unit including a
generally transversely extending base beam having first and second ends. If the
member 24 of Chapman '833 is regarded as a generally transversely extending base
5 beam having first and second ends, Chapman does disclose that particular structure.

10 Claim 1 further describes a first in-line drive assembly pivotally connected to the
base beam adjacent the first end thereof and a second in-line drive assembly pivotally
connected to the base beam adjacent the second end thereof. Chapman '833 does
not disclose first and second in-line drive assemblies pivotally connected to the
15 opposite ends of the base beam, since Chapman '833 only discloses a drive assembly
at one end of the member 24.

20 Further, claim 1 specifically describes that each of the first and second in-line
drive assemblies includes an elongated support member, having first and second
15 ends, pivotally connected, about a generally horizontal axis which is generally
transverse to the longitudinal axis of the base beam, to the base beam adjacent the
associated end thereof. Claim 1 further describes that a first driven wheel is rotatably
mounted on the first elongated support adjacent the first end thereof and that a second
25 driven wheel is rotatably mounted on the first elongated support member adjacent the
second end thereof.

25 Although Chapman '833 may be construed as having a base beam 24, the
opposite ends of the base beam of Chapman do not have first and second in-line drive
assemblies pivotally connected to the opposite ends of the base beam. Further,

1 Chapman '833 does not disclose or even remotely suggest that a pair of first and
2 second in-line drive assemblies could be mounted on the base beam with each of the
3 in-line drive assemblies including an elongated support member, as set forth in claim
4 1, with first and second driven wheels rotatably mounted on the support member
5 adjacent the first and second ends thereof. In the Chapman '833 structure, the track is
6 driven from a single motor located at one end of the track assembly. In the instant
7 invention, first and second elongated support members are pivotally connected, about
8 a horizontal axis, to the opposite ends of the base beam with each end of the support
9 member having a pair of wheels mounted thereon, as best seen in Fig. 4. There is
10 absolutely no way that the Chapman '833 patent could be construed as anticipating
11 claim 1 of the instant application.

12 Inasmuch as claim 1, as amended, is not anticipated by Chapman '833 under
13 35 U.S.C. § 102(b), it is also believed that dependent claims 2, 3, 4 and 5 are likewise
14 not anticipated. Accordingly, the Examiner's rejection of claims 1-5 should be
15 withdrawn and the claims should be allowed.

16 No fees or extensions of time are believed to be due in connection with this
17 Amendment; however, please consider this a request for any extension inadvertently
18 omitted and charge any additional fees to Deposit Account No. 502093.



1 Respectfully submitted,

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10 CERTIFICATE OF MAILING

15 I hereby certify that the original of this AMENDMENT AFTER FINAL
REJECTION for DALE A. CHRISTENSEN, ET AL., Serial No. 10/786,664, was mailed
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